



Office of Congressman Barney Frank

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**Statement by Congressman Barney Frank regarding Congressional
procedure and healthcare**

I have spoken today with a number of people, including Members of Congress and others, about what we should do next on health care. In those conversations I have realized that my statement last night was more pessimistic than is called for, although I still regard the fact that the Republicans have now elected a 41st Senator as a serious obstacle to getting health care done in a way in which I hope it can be.

I was reacting – perhaps overreacting – to proposals I had heard from a variety of sources that we do things to facilitate the passage of a health care bill that would have sought in the short-term to neutralize yesterday's election – for example delaying the certification of Senator-elect Scott Brown, or using the vote of Senator Kirk to try to get things done before Senator-elect Brown could be seated. I was also concerned about an arcane issue that I should have made explicit – the reconciliation procedure which allows bills to be passed by 51 votes in the Senate comes with a very strict set of restrictions known as the Byrd rule, after its author, Senator Robert Byrd. Applying that rule as it was meant to be applied, you are not able to make many of the changes in our health care system that are called for. I continue to believe that it will be difficult to get the Senate bill passed in the House as is without a commitment to making amendments in that bill that would be necessary to get the votes in the House. But I should not have indicated that I would be opposed to trying that, as long as it was done with full regard for procedural fairness.

As to the Senate bill, I believe there are some changes that are necessary for it to be accepted by a House majority, and in some cases I agree personally with the need for those changes. The provision granting special Medicaid protection in Nebraska clearly cannot be in the final bill, and I do not think that the Senate's provisions on taxing health care plans are appropriate. There are other ways in which I would like to see the Senate bill improved, but they are not obstacles to its ultimately becoming law to the same extent. As a practical matter, while I voted against the Stupak amendment in the House, it is not clear to me that you can pass the Senate bill in the House without some change to the Senate language, although I would not want it to get as far as the Stupak amendment.

After the conversations I had today with a variety of people as I said, I realized that I did not fully convey what I think is the appropriate approach. I continue to be very disappointed about the election, and I am not optimistic about our being successful if we try to do health care this way, but as long as it is done with full regard for procedural fairness and does not put the Congressional majority in the position of appearing to take undemocratic shortcuts, I do not object to making the effort.